

page 435, Chapter 290, and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216, and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220, be and the same is hereby amended so as to hereafter read as follows:

Article 2350. In counties having the following assessed valuation, as shown by the total assessed valua-

tions of all properties certified by the county assessor and approved by the commissioners' court, for the previous year, from time to time, the county commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified; said salaries to be paid in equal monthly installments, one-half, and not exceeding three-fourths, out of the road and bridge fund, and the remainder out of the general fund of the county; said assessed valuations and salaries applicable thereto as follows:

| Assessed Valuations. | Salaries to be paid each member of the commissioners' court |
|--|---|
| \$5,000,000.00 and less than \$10,000,000.00, not to exceed | \$1,200.00 |
| \$10,000,000.00 and less than \$15,000,000.00 not to exceed | 1,500.00 |
| \$15,000,000.00 and less than \$20,000,000.00 not to exceed | 1,800.00 |
| \$20,000,000.00 and less than \$25,000,000.00 not to exceed | 2,100.00 |
| \$25,000,000.00 and less than \$30,000,000.00, not to exceed | 2,400.00 |
| \$30,000,000.00 and less than \$40,000,000.00, not to exceed | 2,600.00 |
| \$40,000,000.00 and less than \$50,000,000.00, not to exceed | 2,800.00 |
| \$50,000,000.00 and less than \$60,000,000.00, not to exceed | 3,000.00 |
| \$60,000,000.00 and less than \$70,000,000.00, not to exceed | 3,200.00 |
| \$70,000,000.00 and less than \$80,000,000.00, not to exceed | 3,400.00 |
| \$80,000,000.00 and less than \$90,000,000.00, not to exceed | 3,600.00 |
| \$90,000,000.00 and less than \$100,000,000.00, not to exceed | 3,800.00 |
| \$100,000,000.00 and less than \$150,000,000.00, not to exceed | 4,000.00 |

In counties having assessed valuations of less than \$5,000,000.00 each commissioner shall receive Five (\$5.00) Dollars per day for each day served as commissioner, and when acting as ex-officio road superintendent in his commissioner's precinct, not to exceed Seven Hundred Twenty (\$720.00) Dollars in any year.

Section 3. If any section, clause, sentence or part of this Act shall for any reason be declared unconstitutional that shall not affect in any way the constitutionality of the remaining provisions hereof."

Amend the caption to conform to the body of the bill.

PACE, Vice-Chairman.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas
September 21, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Cecil Murphy.

The roll disclosed a quorum, the following Senators being present:

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| Oneal. | |

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.**Senate Resolution No. 21.**

Senator Poage sent up the following resolution:

Whereas, The so-called Bankhead Cotton Reduction Bill was passed by the United States Congress on the representation that it would, among other things, assure some income to all cotton farmers. To this end the bill provides for the issuance of a given number of tax exempt certificates to each producer of cotton the number being based on the average production of past years. These certificates are by the terms of the bill transferable and the Department of Agriculture has set up the machinery to effect such transfers in such manner as to enable those cotton producers who have, by reason of the drought, failed to produce their full allotment, to realize approximately four cents or more per pound by selling such certificates to other cotton growers who, by reason of favorable wheather conditions or by reasons of refusing to reduce their acreage have produced more than their allotment, and

Whereas, The cotton farmers of the State of Texas have, by reason of their compliance with the acreage reduction campaign and the widespread and disasterous drought, failed to produce their full allotment and now find themselves in possession of approximately 717,000 tax exempt certificates in excess of the number of bales of cotton that they will produce this year, and such certificates are under existing conditions worth at least \$14,340,000.00 and will probably bring \$21,510,000.00 to the Texas farmers if the present cotton allowables are maintained this year; and

Whereas, The cotton producers of Alabama and other eastern states have produced far more than the number of bales of cotton allowed under the Bankhead Bill; and

Whereas, Such overproduction was effected in open violation of the terms of the Bankhead Bill and with full knowledge of its provisions, and the farmers of Texas were induced to greatly reduce their production of

cotton by a good faith reliance on and cooperation with the provisions of the Bankhead Bill for at least one year; and

Whereas, The farmers of Texas have on the whole already suffered all of the detriments of the bill and have subjected themselves to all of the burdens while the farmers of certain eastern states have either ignored the bill or have enjoyed an especial degree of prosperity unknown in this State; and

Whereas, The farmers of this State have a right to enjoy the market thereby created for the tax free certificates now belonging to them and the farmers of the more fortunate eastern states should be required to submit themselves to some of the burdens of the Bankhead bill, and

Whereas, The distinguished author of this legislation has recently sought to relieve the eastern farmers of the burden of this bill and thereby absolutely destroy the value of the certificates now in the hands of drought stricken farmers of Texas; and

Whereas, Such procedure would be a gross discrimination against our Texas farmers and would in effect leave our farmers carrying all of the burdens and the farmers of the eastern states enjoying all of the benefits of the bill; now therefore, be it

Resolved by the Senate of Texas that we vigorously protest such unfair and unjust treatment of our people and urge both Texas Senators and all Texas Congressmen to do all in their power to protect our people from such a breach of faith on the part of the Federal Government, and to that end to insist the allotments already established under the Bankhead Bill to be maintained in so far as the crop year of 1934 is concerned, and be it further

Resolved that a copy of these resolutions be forwarded to each member of the United States Congress from Texas and to the President of the United States and to the Secretary of Agriculture.

Read.

Senator Poage moved, the rule requiring resolutions be referred to a committee be dispensed with and S. R. No. 21 be taken up and considered at this time.

The motion prevailed.

Senator Poage moved to lay S. R. No. 21 on the table subject to call. It was so ordered.

Senate Resolution No. 22.

Senator Pace sent up the following resolution:

Whereas, Honorables H. J. Bryant and Wm. Roberts, Tyler citizens and representatives of the East Texas Rose Festival, are in Austin today; therefore be it

Resolved that they be given the privileges of the floor today and be invited to briefly address the Senate.

PACE.

Read and unanimously adopted.

The Chair President Pro Tem. Cecil Murphy, appointed Senators Pace and Martin to escort the visitors to the platform. Senator Pace introduced Mr. Bryant and Mr. Roberts to the Senate. Mr. Roberts addressed the Senate briefly.

Bill Signed.

The Chair, President Pro Tem. Cecil Murphy, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 26.

Senate Resolution No. 23.

Senator Moore sent up the following resolution:

Whereas, A survey by the State Relief authorities has disclosed that only two Texas Counties, Hunt and Kennedy, are holding the administrative cost of administering county relief within the statutory limit of five (5%) per cent, and

Whereas, The record of Hunt and Kennedy Counties should be used as a basis for economical administration in relief work; therefore, be it

Resolved by the Senate of the State of Texas that the Relief administrative forces of Hunt and Kennedy Counties be and they are hereby commended for their practices and economical policies and we recommend to the State Relief Headquarters and all county relief administrative organizations adoption of similar rules, policies and practices as applied by Hunt and Kennedy Counties to the end that the cost of administering relief may be reduced

throughout all sections of the State. Read and adopted.

PARR.

At Ease.

Senator Stone moved that the Senate stand at ease subject to the call of the Chair.

The motion prevailed.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Austin, Texas, Sept. 21, 1934.

To the Forty-third Legislature in Third Called Session:

By request of Representative Stubeman, I submit for your consideration the attached bill, being "An Act to provide for the renewal and extension of Oil and Gas Permit No. 11,752, on a portion of the Pecos River bed, providing for the placing of all income therefrom, and for all income from oil and gas development from river beds in Texas, in the Permanent School Fund, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor of Texas.

Austin, Texas, Sept. 21, 1934.

To the Forty-third Legislature in Third Called Session:

At the request of Representative McCullough, I submit for your consideration the attached bill, being "An Act providing for a jury wheel, and the selection of juries and drawing of venires by means thereof in all counties having a population of at least forty-five thousand or having therein a city containing a population of at least twenty thousand, as shown by the preceding Federal census, and amending Articles 2094, as amended by Acts of the Forty-first Legislature (1929), Regular Session, Chapter 43, page 89, and Articles 2095, 2096, 2097, 2098, 2099, 2100 of Chapter 7, Title 42, of the Revised Civil Statutes of Texas; repealing Articles 2141, 2146 and 2150 of Chapter 7, Title 42, of the Revised Civil Statutes of Texas insofar as same are applicable to counties having a population of at least forty-five thousand or having therein a city containing a population of at least twenty thousand, as shown by the

preceding Federal census; repealing Articles 593 and 595 of Chapter 2, Title 8, of the Revised Code of Criminal Procedure of Texas, insofar as said articles apply to said counties; and providing for penalties for the violation of any provision of this Act; and declaring an emergency."

By request, I submit for your consideration the attached bill, being: "An Act to amend Chapter 6, Article 2092, of the Revised Civil Statutes pertaining to certain district court rules, practice and procedure thereunder * * *, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Austin, Texas, Sept. 21, 1934.
To the Forty-third Legislature in Third Called Session:

By request of Representative Dwyer, I submit for your consideration the attached bill, being "An Act to amend Section Eleven (11) of the Acts of 1927, Fortieth Legislature, Regular Session, Chapter 22, page 26, H. B. No. 80, as amended by the Acts of 1933, Forty-third Legislature, Chapter 50, page 61, Special Laws, H. B. No. 435, so as to provide by this Act and as an amendment of said Act of the Forty-third Legislature, that the two judges of the County Courts at Law Nos. 1 and 2, of Bexar County, Texas, shall not be required to furnish bonds, but shall each take the oath of office prescribed by the Constitution of Texas, and that certain fees shall be collected by the clerk of said courts and by him paid into the county treasury of Bexar County, Texas, and that the two judges of the County Courts at Law Nos. 1 and 2 of Bexar County, Texas, shall each receive an annual salary of five thousand (\$5,000.00) dollars, and providing for the payment of said salaries * * *; and declaring an emergency."

By request of Representatives Dwyer, Nicholson, Celaya and others, I submit for your consideration the attached bill, being "An Act to amend Article 6078 of the 1925 Revised Statutes, dealing with public parks."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Senate Bill No. 18.

The Chair laid before the Senate S. B. No. 18, which had been made a special order for today immediately after the morning call.

S. B. No. 18, A bill to be entitled "An Act to prohibit the sale of bartituristic acid or derivatives and compounds thereof under any copyrighted or chemical names, except to wholesale drug houses, chemical houses and dispensing pharmacies or practicing physicians; providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

Senator Purl sent up the following amendment to S. B. No. 18:

Amend bill by adding the following after the word "barbital" the following: "acid diethyl barbituric."

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 18 was put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—19.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Collie. | Redditt. |
| Cousins. | Regan. |
| Duggan. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodul. |
| Neal. | Woodward. |
| Pace. | |

Nays—9.

| | |
|-----------|-----------|
| DeBerry. | Poage. |
| Greer. | Purl. |
| Holbrook. | Rawlings. |
| Murphy. | Woodruff. |
| Oneal. | |

Absent—Excused.

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| Fellbaum. | Hopkins. |
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House Bill No. 12.

The Chair laid before the Senate on special order H. B. No. 12.

H. B. No. 12, A bill to be entitled "An Act to extend the time for the payment of notes or obligations executed prior to November 1, 1901, by purchasers of school land for the unpaid balance of principal due the State thereon, such extensions to be for a period of ten years from and after the passage of this Act; and declaring an emergency."

Motion to Reset.

Senator Stone moved that H. B. No. 12 be reset for special order for Saturday morning after the morning call.

Senator Collie moved to table the motion by Stone.

The motion to table prevailed.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|-----------|----------|
| Beck. | Collie. |
| Blackert. | Cousins. |

| | |
|-----------|-------------|
| DeBerry. | Patton. |
| Duggan. | Poage. |
| Greer. | Purl. |
| Holbrook. | Rawlings. |
| Hornsby. | Redditt. |
| Martin. | Regan. |
| Moore. | Sanderford. |
| Murphy. | Small. |
| Neal. | Stone. |
| Oneal. | Woodruff. |
| Pace. | Woodul. |
| Parr. | Woodward. |

Absent—Excused.

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|-----------|----------|
| Fellbaum. | Hopkins. |
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Read third time and finally passed by the following vote:

Yeas—26.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Nays—2.

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| DeBerry. | Poage. |
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Absent—Excused.

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| Fellbaum. | Hopkins. |
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Senate Bill No. 35.

Senator Regan sent up the following bill:

By Senator Regan:

S. B. No. 35, A bill to be entitled "An Act to provide for the renewal and extension of Oil and Gas Permit No. 11,752 on a portion of the Pecos River bed, providing for the placing of all income therefrom, and for all income from oil and gas development from river beds in Texas, in the Permanent School Fund, and declaring an emergency."

Read and referred to the Committee on Public Land and Land Office.

Senate Resolution No. 24.

Senator Holbrook sent up the following resolution:

Whereas, Members of the Senate

have been advised that persons interested in the Texas Centennial celebration desire to appear before its membership to request an appropriation for said celebration; therefore, be it

Resolved by the Senate, That it resolve itself into a Committee of the Whole on next Monday morning after the morning call, and grant to said persons desiring to appear before such committee and present their views an opportunity to do so.

HOLBROOK.

Read and adopted by the following vote:

Yeas—19.

| | |
|-----------|-------------|
| Cousins. | Poage. |
| Duggan. | Purl. |
| Greer. | Rawlings. |
| Holbrook. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Parr. | Woodward. |
| Patton. | |

Nays—8.

| | |
|-----------|----------|
| Blackert. | Oneal. |
| Collie. | Pace. |
| DeBerry. | Redditt. |
| Moore. | Regan. |

Absent.

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| Beck. | Hopkins. |
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Absent—Excused.

Fellbaum.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

| | |
|---------------|---------------|
| H. B. No. 67. | H. B. No. 47. |
| H. B. No. 49. | H. B. No. 63. |
| H. B. No. 58. | H. B. No. 12. |

Senate Resolution No. 25.

Senator Moore sent up the following resolution:

Whereas, Our distinguished and beloved colleague, Senator Will D. Pace, and his Smith County constituents, have today decorated every desk in the Senate with a bounteous

supply of gorgeous Smith County roses; and,

Whereas, This act of liberality is greatly appreciated by members of the Senate and we join Smith County citizens in urging wide spread attendance upon the Rose Festival, being sponsored by the citizens of Smith County; therefore, be it

Resolved, That we extend our sincere thanks to Senator Pace and his fine constituents for the roses and the invitation to attend the Rose Festival, and express the hope that the coming Rose Festival will be a success from every standpoint.

MOORE.

Read and adopted.

Senator Patton made a motion to adjourn until 10:00 o'clock Saturday morning.

The motion was lost.

Senator Pace moved that the Senate adjourn until 9:30 o'clock a. m. Saturday.

The motion was lost by the following vote:

Yeas—9.

| | |
|-----------|-----------|
| Blackert. | Rawlings. |
| Cousins. | Redditt. |
| Moore. | Woodruff. |
| Pace. | Woodul. |
| Patton. | |

Nays—14.

| | |
|-----------|-------------|
| Collie. | Oneal. |
| DeBerry. | Parr. |
| Duggan. | Poage. |
| Greer. | Regan. |
| Holbrook. | Sanderford. |
| Hornsby. | Stone. |
| Martin. | Woodward. |

Absent.

| | |
|----------|--------|
| Beck. | Neal. |
| Hopkins. | Purl. |
| Murphy. | Small. |

Absent—Excused.

Fellbaum.

Senator Moore moved to recess until 3:30 o'clock p. m.

The motion prevailed.

Recess.

The Senate at 12:30 o'clock p. m. recessed until 3:30 o'clock p. m.

After Recess.

The Senate met at 3:30 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 36.

Senator Purl sent up the following bill:

By Senator Purl:

S. B. No. 36, A bill to be entitled "An Act to amend Chapter 6, Article 2092, of the Revised Civil Statutes, pertaining to certain district court rules, practice and procedure thereunder, by adding to said article Subdivision 18-a, Sections 1 and 2, and inserting same between Divisions 18 and 19, and for the appointment of an assignment clerk to serve under the presiding judge in setting and disposing of civil cases on the general jury docket; fixing the duties and salary of such assignment clerk and providing a method of payment, term of office and dismissal thereof, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Resolution No. 21.

Senator Poage called from the table S. R. No. 21.

The resolution was adopted by viva voce vote.

Request to Print.

Senator Beck requested unanimous consent to print and lay on the Senator's desks the conference report on H. B. No. 1.

Unanimous consent was given.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. C. R. No. 14. S. B. No. 10.
H. B. No. 38. H. C. R. No. 16.
H. B. No. 40.

Senate Bill No. 30.

Senator Redditt called up S. B. No. 30.

S. B. No. 30, A bill to be entitled "An Act making an appropriation

to pay per diem and expenses of persons serving on the textbook committee from October 1 to October 13, 1933, and making an appropriation to pay per diem and expenses of members of the State Board of Education incurred in connection with its meeting July 31 and August 1, 1933, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 30 was put on its third reading and final passage by the following vote:

Yeas—29.

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|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| Oneal. | |

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| Oneal. | |

Absent—Excused.

Senate Bill No. 36.

Senator Purl asked unanimous consent to take up S. B. No. 36.

Unanimous consent was granted.

S. B. No. 36, A bill to be entitled "An Act to amend Chapter 6, Article 2092, of the Revised Civil Statutes, pertaining to certain district court rules, practice and procedure thereunder."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Senator Purl moved that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 36 was put on second reading by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| Oneal. | |

Absent—Excused.

Fellbaum.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-----------|
| Beck. | Greer. |
| Blackert. | Holbrook. |
| Collie. | Hopkins. |
| Cousins. | Hornsby. |
| DeBerry. | Martin. |
| Duggan. | Moore. |

Murphy.
Neal.
Oneal.
Pace.
Parr.
Patton.
Poage.
Purl.
Rawlings.

Redditt.
Regan.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| Oneal. | |

Absent—Excused.

Fellbaum.

Motion to Re-refer.

Senator Poage moved that H. B. No. 65 be re-referred to the Committee on Game and Fish.

The motion prevailed.

Senate Bill No. 21.

The Chair laid before the Senate on its second reading the following bill:

By Senator Pace:

S. B. No. 21, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to the conservation of oil and gas and the regulation of the production, storage, transportation, sale and handling thereof; amending Section 14 of Chapter 26 of the Acts of the First Called Session of the Forty-second Legislature; prohibiting the purchase, transportation, sale or handling of crude petroleum oil or

natural gas produced in violation of any statute or any rule, regulation or order of the Railroad Commission; prohibiting the purchase, transportation, sale or handling of any product, by-product or derivative of crude petroleum or natural gas which has been manufactured, refined or produced from crude petroleum or natural gas produced in violation of any statute or any rule, regulation or order of the Railroad Commission of the State of Texas; authorizing the Railroad Commission to make rules, regulations or orders necessary to carry out the provisions of this Act and to prevent violations of the same; enlarging and extending the jurisdiction of the Railroad Commission to cover and include the products, by-products and derivatives of crude petroleum oil and natural gas; providing for penalties, injunctions and other appropriate remedies in the event of violations and fixing the venue of such suits; amending Article 6036 of the Revised Civil Statutes of 1925 as amended by Section 3 of Chapter 26 of the Acts of the First Called Session of the Forty-second Legislature; providing that this law shall be cumulative of all other laws with respect to the subject matter, and providing that in the event of a conflict between this Act and any other law of the State of Texas respecting the subject matter the provisions of this Act shall control; providing that if any clause, section or provision of this Act shall be declared to be unconstitutional or otherwise invalid the other portions of said Act shall remain in full force and effect; stating the legislative intent; and declaring an emergency."

Senator Pace sent up the following amendment:

Amend S. B. No. 21 by adding on the printed bill after the word "thereof" on page 1, line 58, the following:

"But the provisions of this Act shall not apply to the retail purchaser of any product of petroleum where such purchase is made for his own consumption and use."

PACE.

Read and adopted.

Senator Moore sent up the following amendments to S. B. No. 21:

Amend S. B. No. 21, line 60, page 1, as follows:

By adding between the word "is" and "violating" the following words: "knowingly and willfully."

MOORE,
MARTIN.

Read and adopted.

Amend S. B. No. 21, page 2, line 15, as follows:

By adding between the comma and the word "violating" the following: "knowingly and willfully."

MOORE,
MARTIN.

Read and adopted.

Amend S. B. No. 21 by adding a new section, as follows:

Section 2a. It shall be mandatory upon the Railroad Commission or any other State enforcement agency designated by the State Legislature, to require tenders of every individual, corporation, firm, person, co-partnership or partnership, to receive, ship, transport, refine, sell, barter, trade, exchange, deliver or otherwise deal in, handle or engage in anywise in handling crude petroleum; it shall also be mandatory upon the Railroad Commission or any other State enforcement agency to require tenders of every individual, corporation, firm, person, co-partnership or partnership, to receive, ship, transport, sell, barter, trade, exchange, deliver or otherwise deal in, handle or engage in anywise in handling the products of crude petroleum referred to in paragraph three (3) of Section 1; it shall be further mandatory upon one member of the State Railroad Commission to sign personally and file monthly, with the Comptroller of Public Accounts a statement, under oath or affirmation, duly acknowledged by a Notary Public, that every individual, corporation, firm, person, co-partnership or partnership, refiner or refinery in Texas, coming under the above provisions, has complied therewith, provided the name, business address and place of residence of every individual, corporation, firm, person, co-partnership or partnership, refiner or refinery affected by this Act shall accompany the information filed with the Comptroller of Public Accounts. Failure of the Chairman of the State Railroad Commission to file such information as above re-

quired shall be malfeasance in office and shall be punishable under the statutes governing such official offense.

MOORE,
MARTIN.

Senator Small moved to table the above amendment by Senators Moore and Martin to S. B. No. 21.

The motion to table, prevailed.

Yeas—21.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Collie. | Purl. |
| Cousins. | Rawlings. |
| Duggan. | Regan. |
| Holbrook. | Sanderford. |
| Hornsby. | Small. |
| Murphy. | Stone. |
| Neal. | Woodruff. |
| Oneal. | Woodul. |
| Pace. | Woodward. |

Nays—6.

| | |
|-----------|----------|
| Blackert. | Martin. |
| DeBerry. | Moore. |
| Greer. | Redditt. |

Absent.

| | |
|---------|--------|
| Patton. | Poage. |
|---------|--------|

Absent—Excused.

| | |
|-----------|----------|
| Fellbaum. | Hopkins. |
|-----------|----------|

Senator Moore sent up the following amendment:

Amend S. B. No. 21 as follows:

Section 3a. It shall be mandatory upon the State Railroad Commission to catalogue and tabulate alphabetically, indicating the location and capacity of every refinery in the State of Texas and file such information with the Comptroller of Public Accounts to further aid and assist the said Comptroller in collecting the maximum taxes on crude petroleum and refined or by-products.

It shall further be mandatory upon the State Railroad Commission to check or cause to be checked each and every refinery in the State with identical regularity, impartiality and alike without discrimination against any person, firm, corporation, partnership, co-partnership or individual engaged in the business of refining crude petroleum, and the said Railroad Commission, through the Chairman thereof, shall file a sworn statement with the Comptroller of Public

Accounts on the first day of each month that each and all of the provisions herein have been applied to all refineries in the State impartially and alike.

Failure to carry out the provisions of Paragraphs one (1) and two (2) of this Section on the part of the Railroad Commission shall be construed under this bill as malfeasance in office and shall be punishable under the statutes governing such official offense.

Proof of the failure of the State Railroad Commission to carry out the provisions of Paragraphs one (1) and two (2) shall constitute a defense on the part of any person, individual, firm, corporation, partnership or co-partnership to any suit brought in behalf of the State Railroad Commission against any person, individual, firm, corporation, partnership, or co-partnership under the provisions hereof.

MOORE,
MARTIN.

Read.

Senator Pace moved to table the above amendment by Senators Moore and Martin.

The motion to table prevailed.

Yeas—23.

| | |
|-----------|-------------|
| Beck. | Patton. |
| Blackert. | Purl. |
| Collie. | Rawlings. |
| Cousins. | Redditt. |
| Duggan. | Regan. |
| Greer. | Sanderford. |
| Holbrook. | Small. |
| Hornsby. | Stone. |
| Murphy. | Woodruff. |
| Oneal. | Woodul. |
| Pace. | Woodward. |
| Parr. | |

Nays—4.

| | |
|----------|--------|
| DeBerry. | Moore. |
| Martin. | Neal. |

Absent.

Poage.

Absent—Excused.

| | |
|-----------|----------|
| Fellbaum. | Hopkins. |
|-----------|----------|

Senator Moore sent up the following amendment:

Amend S. B. No. 21, by adding a new Section as follows:

Section 3a. No oil shall be permitted to be transported out of any field or pool in Texas, unless and until the local refinery consumptive demand shall have been supplied out of the local production of such field or pool, if said local production is sufficient to satisfy the local consumptive demand; provided, however, that no refinery shall be given the benefit of this provision, unless and until all reasonable and legal orders, reports and inspection requirements of the Railroad Commission have been fully complied with.

MOORE,
MARTIN.

Read.

Senator Pace moved to table the amendment.

The motion to table prevailed by viva voce vote.

Senator Stone sent up the following amendment:

Amend S. B. No. 21, line 16, page 2, as follows:

By adding after the word "or," the words, "knowingly and willfully."

Amend the caption to conform.

STONE.

Read and adopted.

Senator Small sent up the following amendment:

Amend S. B. No. 21 by striking out all of Paragraph 4, Section 1 and inserting in lieu thereof the following:

Whenever it shall appear that any person, firm, corporation, joint stock association, trustee, or receiver or any officer, agent or employee thereof, is violating the provisions of this Act, or any rule, regulation or order of the Railroad Commission of Texas adopted pursuant to this Act, or is knowingly and wilfully violating any other conservation law of this State, including all provisions of Title 102, Revised Statutes as amended, or any rule, regulation or order of the Railroad Commission of Texas adopted pursuant thereto, the Railroad Commission of Texas, through the Attorney General, shall bring suit against such person, firm, corporation, joint stock association, trustee or receiver, or any officer, agent or employee thereof, in any court of competent jurisdiction in Travis County, Texas, or in the county of

the residence of the defendants or either of them, or in the county in which such violation is alleged to have occurred, to restrain such defendant or defendants from continuing such violation, and in such suit the Railroad Commission of Texas may obtain injunctions, including preliminary restraining orders and temporary injunctions as the facts may warrant.

SMALL.

Read and adopted.

Senator Small sent up the following amendment:

Amend S. B. No. 21 by substituting for the word "Commission" wherever it appears in the bill, the term "The Railroad Commission of Texas" so that in referring to the Commission the term "The Railroad Commission of Texas" will be used throughout the bill.

Read and adopted by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 21 was put on its third reading and final passage by the following vote:

Yeas—27.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Collie. | Poage. |
| Cousins. | Purl. |
| DeBerry. | Rawlings. |
| Duggan. | Redditt. |
| Greer. | Regan. |
| Holbrook. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Nays—1.

Moore.

Absent—Excused.

Fellbaum.

Hopkins.

Read third time and finally passed by the following vote:

Yeas—24.

| | |
|-----------|-------------|
| Beck. | Poage. |
| Blackert. | Purl. |
| Collie. | Rawlings. |
| Cousins. | Redditt. |
| Duggan. | Regan. |
| Greer. | Sanderford. |
| Holbrook. | Small. |
| Hornsby. | Stone. |
| Neal. | Woodruff. |
| Oneal. | Woodul. |
| Pace. | Woodward. |
| Parr. | |

Nays—4.

| | |
|----------|---------|
| DeBerry. | Moore. |
| Martin. | Murphy. |

Absent.

Patton.

Absent—Excused.

Fellbaum. Hopkins.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 11, A bill to be entitled "An Act granting Sam Tobolowsky and James A. Gripetos permission to bring suit against the State of Texas and State Highway Department, and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than thirty thousand, two hundred ninety (30,290) nor more than thirty thousand, three hundred ninety (30,390) inhabitants, according to the last preceding United States census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of eleven million five hundred eleven thousand seven hundred fifty dollars (\$11,511,750) for the next preceding year; fixing said salary when said

taxable values are less than said sum, and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act to validate the organization and creation of all county line consolidated independent school districts, county line rural high school districts and/or consolidated common school districts, whether created by the vote of the people, or by the county boards of trustees, or commissioners' court or by judgments of district courts, where such county line consolidated independent school districts, county line rural high school districts and consolidated common school districts are formed by the consolidation of districts or parts of districts lying in three adjoining counties; etc., and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than 900 square miles and not less than 875 square miles and a population of not less than 8,500 and not more than 8,650 inhabitants, according to the last preceding Federal census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of independent and common school districts; create additional districts; consolidate two or more adjacent districts; subdivide any districts; revise or rearrange the boundaries of any district; and declaring an emergency."

H. B. No. 77, A bill to be entitled "An Act granting W. J. Harris, of Mineral Wells, Palo Pinto County, Texas, permission to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, for damages to automobiles and injuries to W. J. Harris; etc., and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act to repeal an Act of the Forty-third Legislature, Regular Session, 1933, being House Bill No. 557, providing for a closed season on quail in Archer County, and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act authorizing Mrs. C. C. Hannis, a widow, to sue the State of Texas and/or the State Highway

Commission in its official capacity, on account of damages to the tract of land in Stonewall County, Texas, fixing the venue of such suit and providing for the issuance and service of process therein, and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act amending Article 3902, of the Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 59, of the Second Called Session of the Forty-third Legislature; providing for salaries that may be paid to certain assistants to certain officers in certain counties; and amending Article 3886, of Revised Civil Statutes of 1925, as amended by Chapter 20, Acts of Regular Session of Forty-first Legislature, Fourth Called Session, and as amended by Chapter 110, Acts of Forty-third Legislature, First Called Session, and as amended by Chapter 49, Acts of Forty-third Legislature, First Called Session, and as amended by Chapter 18, Acts of Forty-third Legislature, Second Called Session, and as amended by Chapter 40, Acts of Forty-third Legislature, First Called Session; providing for the appointment and compensation of stenographers and investigators in the district attorney's office or criminal district attorney's office in certain counties, and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act to amend Article 4368, of the Revised Civil Statutes of Texas of 1925, relating to the official bond of the State Treasurer, and providing that the State Treasurer shall enter into such bond as may be required by an Act of Congress to protect any Federal funds which shall have been received or which may hereafter be received by the State of Texas and deposited with the State Treasurer; providing that such special bond shall be in addition to the regular statutory official bond, and shall be a separate and distinct special bond and obligation; providing the method of payment for such bond, and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act providing for an open season on squirrels in Tyler County, providing a penalty, and declaring an emergency."

H. B. No. 91, A bill to be entitled

"An Act authorizing municipalities, political subdivisions, and taxing districts to proceed under the provisions of Federal bankruptcy laws enacted for the relief of such municipalities, political subdivisions and taxing districts, and declaring an emergency."

H. B. No. 92, A bill to be entitled "An Act amending Article 3286, of the Revised Civil Statutes of 1925, both of said articles relating to escheated estates, by providing that all escheated lands shall become a part of the Permanent School Fund of Texas; providing for lease or sale of said lands and the terms thereof, by the Commissioner of the General Land Office; limiting the time for filing suits for recovery of said escheated property from the State to four years, and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act granting to Miss Maude Reichaw permission to bring suit against the State of Texas and the State Highway Department as in other civil cases, and creating an emergency."

H. B. No. 94, A bill to be entitled "An Act for the purpose of opening the waters of Espiritu Santo Bay, in Calhoun County, Texas, for shrimp trawling during the months of September, October, November, and December of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act fixing the compensation for county commissioners in certain counties, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 60, A bill to be entitled "An Act amending Chapter 101, of the Special Laws of the Regular Session of the Forty-third Legislature, as amended by Chapter 54 of the General and Special Laws of the First Called Session of the Forty-third Legislature, prohibiting the

taking, killing or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in certain counties, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

The House has passed the following bills:

H. B. No. 100, A bill to be entitled "An Act validating the organization and bonds of water improvement districts which have been converted into water control and improvement districts and which have thereafter issued bonds voted before such conversion, validating such conversion, and declaring an emergency."

S. B. No. 10, A bill to be entitled "An Act validating all concurrent resolutions adopted at previous sessions of the Legislature granting to persons, firms or corporations permission to sue the State of Texas to any of its courts upon claims against the State, providing that same shall be effective both as to suits already filed and pending and as to suits hereafter filed by authority of said concurrent resolution, providing that nothing herein shall operate to create any cause of action against the State and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 30 by a vote of 108 yeas and 0 nays.

The House postponed indefinitely H. B. No. 89 by a viva voce vote.

H. B. No. 89, A bill to be entitled "An Act amending Article 924, Penal Code, 1925, making it unlawful to use certain explosives or other things harmful to fish in any of the waters of this State; prohibiting the possession of explosives within three hundred yards of any lake or stream of this State; providing that permits may be issued for the use of explosives for construction or explora-

tion purposes; providing a penalty, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 110, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the Third Called Session of the Forty-third Legislature of the State of Texas, and any other amounts and any other expense unpaid by the Second Called Session of the Legislature, providing how accounts may be approved, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 95, A bill to be entitled "An Act authorizing the State Parks Board to locate, designate, and suitably mark the historic spots of Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills and Resolutions Referred.

H. B. No. 98, referred to the Committee on County and County Boundaries.

H. B. No. 94, referred to the Committee on Game and Fish.

H. B. No. 93, referred to the Committee on State Affairs.

H. B. No. 92, referred to the Committee on Public Land and Land Office.

H. B. No. 91, referred to the Com-

mittee on Town and City Corporations.

H. B. No. 85, referred to the Committee on Game and Fish.

H. B. No. 82, referred to the Committee on Civil Jurisprudence.

H. B. No. 84, referred to the Committee on State Affairs.

H. B. No. 80, referred to the Committee on State Affairs.

H. B. No. 78, referred to the Committee on Game and Fish.

H. B. No. 77, referred to the Committee on State Affairs.

H. B. No. 75, referred to the Committee on Education.

H. B. No. 43, referred to the Committee on Education.

H. B. No. 39, referred to the Committee on Counties and County Boundaries.

H. B. No. 11, referred to the Committee on State Affairs.

H. B. No. 60, referred to the Committee on Game and Fish.

H. B. No. 100, referred to the Committee on State Affairs.

H. B. No. 95, referred to the Committee on State Affairs.

H. B. No. 110, referred to the Committee on Finance.

Motion to Reconsider.

Senator Greer moved to reconsider the vote by which S. B. No. 11 failed to be engrossed.

The motion to reconsider prevailed by the following vote:

Yeas—17.

| | |
|----------|-------------|
| Beck. | Poage. |
| Cousins. | Rawlings. |
| Greer. | Redditt. |
| Hornsby. | Regan. |
| Martin. | Sanderford. |
| Moore. | Stone. |
| Neal. | Woodruff. |
| Parr. | Woodul. |
| Patton | |

Nays—9.

| | |
|-----------|-----------|
| Blackert. | Oneal. |
| Collie. | Pace. |
| DeBerry. | Small. |
| Holbrook. | Woodward. |
| Murphy. | |

Absent.

| | |
|---------|-------|
| Duggan. | Purl. |
|---------|-------|

Absent—Excused.

| | |
|-----------|----------|
| Fellbaum. | Hopkins. |
|-----------|----------|

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

Yeas—16.

| | |
|----------|-------------|
| Beck. | Patton. |
| Cousins. | Poage. |
| Greer. | Rawlings. |
| Hornsby. | Regan. |
| Martin. | Sanderford. |
| Moore. | Stone. |
| Neal. | Woodruff. |
| Parr. | Woodul. |

Nays—10.

| | |
|-----------|-----------|
| Blackert. | Oneal. |
| Collie. | Pace. |
| DeBerry. | Redditt. |
| Holbrook. | Small. |
| Murphy. | Woodward. |

Absent.

Duggan.

Absent—Excused.

| | |
|-----------|-------|
| Fellbaum. | Purl. |
| Hopkins. | |

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage by the following vote:

Yeas—21.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Rawlings. |
| Greer. | Redditt. |
| Hornsby. | Regan. |
| Martin. | Sanderford. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Pace. | |

Nays—5.

| | |
|-----------|-----------|
| Collie. | Small. |
| Holbrook. | Woodward. |
| Oneal. | |

Absent—Excused.

| | |
|-----------|----------|
| Duggan. | Hopkins. |
| Fellbaum. | Purl. |

Read third time and finally passed by the following vote:

Yeas—13.

| | |
|----------|-------------|
| Beck. | Patton. |
| Cousins. | Rawlings. |
| Martin. | Regan. |
| Moore. | Sanderford. |
| Neal. | Stone. |
| Parr. | Woodul. |
| Poage. | |

Nays—12.

| | |
|-----------|-----------|
| Blackert. | Oneal. |
| Collie. | Pace. |
| DeBerry. | Redditt. |
| Holbrook. | Small. |
| Hornsby. | Woodruff. |
| Murphy. | Woodward. |

Absent.

Greer.

Absent—Excused.

| | |
|-----------|----------|
| Duggan. | Hopkins. |
| Fellbaum. | Purl. |

Motion to Adjourn.

Senator Pace moved that the Senate adjourn until Monday morning at 10:00 o'clock.

The motion was lost.

Senator Pace moved to adjourn until 10:00 o'clock a. m. Saturday.

The motion was lost.

Yeas—10.

| | |
|-----------|-----------|
| Collie. | Pace. |
| Cousins. | Rawlings. |
| DeBerry. | Redditt. |
| Holbrook. | Small. |
| Oneal. | Woodward. |

Nays—16.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Greer. | Poage. |
| Hornsby. | Regan. |
| Martin. | Sanderford. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |

Absent.

Duggan.

Absent—Excused.

| | |
|-----------|-------|
| Fellbaum. | Purl. |
| Hopkins. | |

Senator Beck moved to recess until 8:00 o'clock tonight.

The motion was lost.

Adjournment.

On motion of Senator Woodul the Senate at 7:25 p. m. adjourned until 10:00 o'clock Monday morning.

Yeas—13.

| | |
|-----------|-----------|
| Blackert. | Patton. |
| Cousins. | Redditt. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodul. |
| Pace. | Woodward. |
| Parr. | |

Nays—11.

| | |
|-----------|-------------|
| Beck. | Oneal. |
| Collie. | Poage. |
| DeBerry. | Regan. |
| Holbrook. | Sanderford. |
| Hornsby. | Woodruff. |
| Neal. | |

Absent.

Greer. Rawlings.

Absent—Excused.

| | |
|-----------|----------|
| Duggan. | Hopkins. |
| Fellbaum. | Purl. |

APPENDIX.**Petitions and Memorials.****(Telegrams.)**

Dallas, Texas, Sept. 20, 1934.
George Purl,
State Senate, Austin, Texas.

Re your wire there is no logical reason for the passage of Senate Bill Eighteen by Beck. The sale on barbituric acid and derivatives in compounds is exceedingly small. They are not narcotics or to be classed as narcotics and we see no reason why the drug industry should be saddled with an unreasonable burden of keeping records of sale on these products we do not think that the bill should be passed.

SOUTHWESTERN DRUG CORP.
TEXAS DRUG COMPANY
GREINER KELLY DRUG CO.

Dallas, Texas, Sept. 20, 1934.
Hon. George Purl,
Senate Chamber, Austin, Texas.

Bill Eighteen should not pass derivations such as amytol, veronal, luminal and compounds thereof no

more create addicts than does aspirin. Are of as much value in hayfever cases, etc., as is aspirin for headaches. This ridiculous law is only in force in California so far as I know. There is no occasion for such a law.

Z. E. MARVIN.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room.

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 30 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room.

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

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Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 31 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 29 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Sept. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 21 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 10 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 26 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 82, A bill to be entitled "An Act amending Article 3902 of the Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 59 of the Second Called Session of the Forty-third Legislature; providing for salaries that may be paid to certain assistants to certain officers in certain counties; and

amending Article 3886 of the Revised Civil Statutes of 1925, as amended by Chapter 20 of the Acts of the Regular Session of the Forty-first Legislature, Fourth Called Session, and as amended by Chapter 110, Acts of Forty-third Legislature, First Called Session and as amended by Chapter 49, Acts of Forty-third Legislature, First Called Session, and as amended by Chapter 18, Acts of Forty-third Legislature, Second Called Session, and as amended by Chapter 40, Acts of Forty-third Legislature, First Called Session; providing for the appointment and compensation of stenographers and investigators in the district attorney's office or criminal district attorney's office in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 19, "Resolution granting Mrs. J. W. McCarty, widow of J. W. McCarty, deceased, permission to bring suit against the State of Texas and the State Highway Department of Texas, to determine and recover the damages, if any, suffered because of the death of J. W. McCarty, her husband, while in the employment of the State Highway Department."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 18, "Resolution granting Henry Schmidt permission to bring suit against the State Highway Department of Texas and the

State of Texas, to determine and recover the damages, if any, suffered because of the destruction by fire from State Highway No. 16, of certain shrubbery, palms and fruit trees on June 16, 1934."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 25, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city school district, road district, levee improvement district, water improvement district, irrigation district and other defined subdivisions of the State, provided same are paid on or before February 1, 1935; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute hereto attached do pass in lieu thereof and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

H. B. No. 92, A bill to be entitled "An Act amending Articles 3281 and 3286 of the Revised Civil Statutes of Texas, of 1925, both of said Articles relating to escheated estates, by providing that all escheated lands shall become a part of the Permanent School Fund of Texas; providing for lease or sale of said lands, and the terms thereof, by the Commissioner of the General Land Office; limiting the time for filing suits for recovery of said escheated property from the State to four (4) years, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 36, A bill to be entitled "An Act to amend Chapter 6, Article 2092, of the Revised Civil Statutes, pertaining to certain district court rules, practice and procedure thereunder."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

S. B. No. 35, A bill to be entitled "An Act to provide for the renewal and extension of oil and gas permit No. 11,752 on a portion of the Pecos River bed, providing for the placing of all income therefrom, and for all income from oil and gas development from river beds in Texas, in the Permanent School Fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Sept. 21, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 31, A bill to be entitled "An Act amending Section 3 of H. B. No. 81, Chapter 29, Acts First Called Session, Forty-third Legislature; providing for a Wholesale Fish Dealers License, Retail Fish Dealers License; providing for a refund on Retail Fish Dealers Licenses issued since September 1st, 1934, for a place of

business in a city or town of more than forty thousand population; Bait Dealers License, Oyster Dealers License, Retail Dealers Truck License and the fees and requirements for same; providing the size of mesh for seines or nets that may be licensed; defining place of business and providing for the display of the license required; providing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass in its present form but with the attached committee amendments Nos. 1 and 2, and be printed in the Journal.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 31 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 3, H. B. No. 81, Chapter 29, Acts First Called Session, Forty-third Legislature be and the same is hereby amended so as to hereafter read as follows:

"Section 3. The licenses and the fees to be paid for the same, are hereby provided for in this Act and are as follows:

"1. Commercial Fishermans License, fee Three Dollars (\$3.00).

"2. Wholesale Fish Dealers License, fee for each place of business Two Hundred Dollars (\$200.00).

"3. (a) Retail Fish Dealers License, fee Three Dollars (\$3.00) for each place of business in each city or town of less than five thousand (5,000) population.

"(b) Retail Fish Dealers License, fee Ten Dollars (\$10.00) for each place of business in each city or town of not less than five thousand (5,000) and not more than forty thousand (40,000) population.

"(c) Retail Fish Dealers License, fee Fifteen Dollars (\$15.00) for each place of business in each city or town of more than forty thousand (40,000) population.

"(d) Retail Oyster Dealers License, permitting the sale of oysters only, fee Five Dollars (\$5.00) for each place of business in each city or town of more than five thousand (5,000) population. The sale of any

fresh or frozen edible aquatic products, other than oysters, by a retail fish dealer possessing the license named in this sub-section, shall constitute a violation of this Act.

"(e) Retail Dealers Truck License, permitting the sale of edible aquatic products from a motor vehicle to consumers only, fee Twenty-five Dollars (\$25.00) for each truck. Provided the owner of any retail fish dealers license issued since September 1, 1934, for a place of business in a city or town of more than five thousand (5,000) population, shall be entitled to a rebate on the same when said owner of such license shall furnish the Game, Fish and Oyster Commission a claim sworn to for said amount. When such claim is found to be correct and is approved by the executive secretary of said Commission, same shall be paid out of any moneys available in the State Treasury upon warrant issued by the State Comptroller.

"4. Bait Dealers License, fee Two Dollars (\$2.00) for each place of business.

"5. (a) Shrimp Trawl License, for each boat operating or towing a trawl not more than ten (10) feet in width at the mouth, and not more than twenty (20) feet in length, fee Two Dollars (\$2.00).

"(b) Shrimp Trawl License, for each boat operating or towing a trawl more than ten (10) feet wide at its mouth or more than twenty (20) feet in length, fee Fifteen Dollars (\$15.00); which said license shall permit the use of a "try net" as auxiliary to said trawl.

"6. Seine or Net License, to be of metal, for and to be firmly attached to each one hundred (100) feet or fraction thereof, fee One Dollar (\$1.00) for each one hundred (100) feet of the length thereof. Provided no license shall be issued for any seine or net longer than eighteen hundred (1,800) feet, and also provided that after the passage of this Act no license shall be issued for any seine or net, the meshes of which are less than one and one-half (1½) inches from knot to knot.

"7. Fish Boat License, for boats equipped with a motor of any kind or with sails, fee Three Dollars (\$3.00).

"8. Skiff License, for boat pro-

pelled by oars or poles, to be of metal and firmly attached to skiff, fee One Dollar (\$1.00).

"9. Oyster Dredge License, fee Fifteen Dollars (\$15.00).

"10. Fish Guide License, fee Two Dollars (\$2.00).

"11. Place of business, as used in this Act, shall include the place where orders for aquatic products are received, or where such aquatic products are sold, and if sold from a vehicle, the vehicle on which, or from which such aquatic products are sold, shall constitute a place of business. The license shall at all times, be publicly displayed by the dealer in his place of business so as to be easily seen by the public and the employees of the Game, Fish and Oyster Commission. And if any aquatic products are transported for the purpose of sale in any vehicle the license required of such dealer shall be displayed inside of such vehicle. Provided that no person shall bring into this State any aquatic products and in this State offer same for sale without procuring the license required for such a transaction by a dealer in this State, and the fact that such aquatic products were caught in another state shall not entitle the person claiming to have caught them to sell same in this State as a commercial fisherman."

Sec. 2. Any person failing to comply with, or who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Ten (\$10.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, and his license shall be automatically canceled and he shall not be entitled to receive another such license for one year from the date of such conviction.

Sec. 3. The fact that the present law does not require a separate fish dealer's license for each place of business operated by a fish dealer, and the further fact that chain stores under the existing law may operate any number of stores throughout Texas by paying one wholesale fish dealer's license, and the fact that such a condition works to the benefit of the chain store, and the further fact that the failure of the original Act to provide for the posting of such license in each place of busi-

ness renders the enforcement of the Act difficult, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend H. B. No. 31 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act amending Section 3 of H. B. No. 81, Chapter 29, Acts First Called Session, Forty-third Legislature; providing for a wholesale fish dealers license, retail fish dealers license; providing for a refund on retail fish dealers licenses issued since September 1, 1934, for a place of business in a city or town of more than forty thousand population, bait dealers license, oyster dealers license, retail dealer truck license and the fees and requirements for same; providing the size of mesh for seines or nets that may be licensed; defining place of business and providing for the display of the license required; providing a penalty, and declaring an emergency.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 28, A bill to be entitled "An Act authorizing the State Highway Commission as defined herein, to construct toll bridges and approaches thereto on State highways with funds, procured from the United States Government, its agencies and instrumentalities, through loans and grants, either or both, to operate and maintain said bridges and in reference to each such bridge to issue and to deliver to the United States Government, its agencies and instrumentalities, interest-bearing securities, bearing four per cent (4%) interest, with provisions for registration as to ownership, maturing serially, the

maturity of the final installment being within forty (40) years from their date, payable solely from tolls charged for the use of such bridge, with the proviso that they shall not constitute a debt of the State of Texas nor of the Highway Department but shall be special obligations secured by a first lien and pledge of and on the gross revenues received as tolls for the use of said bridge, prescribing the duties of the Highway Commission in reference to the execution, issuance and delivery of said securities, declaring such obligations to be negotiable instruments, providing for approval by the Attorney General of each such issue of securities, and registration by the Comptroller of Public Accounts, prescribing the effect of such approval and registration, and in reference to each such bridge providing for the establishment of a special fund in which shall be deposited the proceeds from the sale of such securities and a special fund for the accumulation of moneys to pay the principal and interest of such securities, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 94, A bill to be entitled "An Act for the purpose of opening the waters of Espiritu Santo Bay in Calhoun County, Texas, for shrimp trawling during the months of September, October, November and December of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was referred

H. B. No. 43, A bill to be entitled "An Act to validate the organization and creation of all county line consolidated independent school districts, county line rural high school districts and/or consolidated common school districts, whether created by the vote of the people or by the county boards of trustees, or commissioners courts or by judgments of district courts, where such county line consolidated independent school districts, county line rural high school districts and consolidated common school districts are formed by the consolidation of districts or parts of districts lying in three adjoining counties; validating the Acts of the people, of the county boards of trustees, of the commissioners courts and of the judgments of district courts in consolidating said districts; validating the Acts of county board of trustees and boards of trustees of such districts; validating all proceedings and Acts of said board of trustees heretofore taken by said boards of trustees; validating all bonds voted, authorized and/or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 85, A bill to be entitled "An Act providing for an open season on squirrels in Tyler County; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 65, A bill to be entitled "An Act making it unlawful to kill wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached committee amendment, and be not printed.

REDDITT, Chairman.

Committee Amendment.

Amend H. B. No. 65 by striking out the words Burleson, Ellis, Leon, Limestone, Madison and Palo Pinto wherever they appear.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 110, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the Third Called Session of the Forty-third Legislature of the State of Texas, and any other amounts and any other expense unpaid by the Second Called Session of the Legislature, providing how accounts may be approved, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Sept. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 68, A bill to be entitled "An Act to provide that cities with a population of more than nine thousand and seventy (9,070) and less than nine thousand and eighty (9,080) inhabitants according to the last preceding Federal census, may

mortgage and encumber their abat-
toirs and the income thereof, for the
purpose of constructing, acquiring
or improving the same; providing
for manner of issuance of notes or
warrants for such purposes, and pro-
viding that this law shall take pre-
cedence over conflicting charter pro-
visions; repealing all laws in con-
flict herewith; providing a saving
clause, and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with
the recommendation that it do
pass, with amendments, and be not
printed.

MARTIN, Vice-Chairman.

Committee Amendment No. 1.

Amend H. B. No. 68 by striking
out the words "more than nine thou-
sand and seventy (9,070) and less
than nine thousand and eighty
(9,080)" wherever they appear in
the body of the bill and inserting in
lieu thereof the following:

"not more than nine thousand and
eighty (9,080) nor less than nine
thousand and seventy (9,070)

Committee Amendment No. 2.

Amend the caption of H. B. No. 68
so as to make it conform to the body
of the bill.

Committee Room,

Austin, Texas Sept. 21. 1934.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 33, A bill to be entitled
"An Act amending Sections 1, 4, 6
and 8 of Chapter 162, H. B. No. 154,
Acts of the Regular Session of the
Forty-third Legislature, and Section
2, with the exception of Sub-division
1, thereof, and Sections 3, 5 and 9 of
Chapter 162, H. B. No. 154, as
amended by Chapter 12, H. B. No.
55, Acts of the First Called Session
of the Forty-third Legislature, de-
fining certain words and terms; pro-
viding for credit for taxes paid by
mistake; etc., and declaring an emer-
gency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed in the Journal.

WOODUL, Chairman.

By Moore.

S. B. No. 33.

A BILL

To Be Entitled

An Act amending Sections 1, 4, 6
and 8 of Chapter 162, H. B. No.
154, Acts of Regular Session of
the Forty-third Legislature, and
Section 2, with the exception of
Sub-division 1, thereof, and Sec-
tions 3, 5 and 9 of Chapter 162,
H. B. No. 154, as amended by
Chapter 12, H. B. No. 55, Acts of
the First Called Session of the
Forty-third Legislature, defining
certain words and terms; provid-
ing for credit for taxes paid by
mistake; providing that tax levied
shall be a liability on producer,
first purchaser and subsequent
purchaser; providing that first
purchaser shall pay tax levied;
provided that failure of first pur-
chaser to pay tax does not relieve
others liable for the tax; providing
for payment of tax on oil produced
but not sold; providing for keep-
ing of records and making reports
by producers, first purchaser and
subsequent purchasers; requiring
royalty owners to keep records;
providing that operators of rail-
roads, barges, trucks, and/or pipe
lines shall keep records of oil
handled for hire; providing that
all records required by this Act to
be open to inspection by the At-
torney General and/or the Comp-
troller; requiring first purchasers
of oil from properties in litigation
to deduct tax; providing for pay-
ment of tax levied and for pen-
alties for failure to pay tax when
due and providing payment of in-
terest on delinquent taxes and
penalties; providing that the State
shall have a lien on any property
of person liable for tax hereby
levied; providing that tax shall be
borne ratably by producers and
interest holders; providing method
of allocating tax hereby levied;
declaring to be a misdemeanor
the making of false entries and
failure to make proper entries and
reports, or destroying, secreting or
mutilating records, or hiding or
secreting property on which a lien
is created by this Act, and failing
and refusing to permit the inspec-
tion of records and reports by the
Comptroller and/or Attorney Gen-
eral, and providing penalty; pro-

viding that the Comptroller shall make rules and regulations for the enforcement of this Act; providing for an appropriation of one per cent of the tax collected for defraying necessary expenses including salaries of directors, supervisors, auditors, office help, traveling expenses, publication of regulations, postage, telegraph and telephone, and traveling expenses of witnesses; providing for one director at a salary of Three Thousand Dollars (\$3000) per year, one assistant director at a salary of Two Thousand Seven Hundred Fifty Dollars (\$2750) per year, and supervisors and auditors as may be needed; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 1, 4, 6 and 8 of Chapter 162, H. B. No. 154, Acts of the Forty-third Legislature, Regular Session, and Section 2, with the exception of Sub-division 1, thereof, and Sections 3, 5, and 9 of Chapter 162, H. B. No. 154, as amended by Chapter 12, H. B. No. 55, Acts of the First Called Session of the Forty-third Legislature are hereby amended so as to hereafter read as follows:

"Section 1. (1). For the purpose of this Act 'producer' shall mean any person, persons, corporation, partnership, individual, trustee, receiver, trust estate or administrator owning, controlling, managing or leasing any oil well or any person who produces in any manner any oil by taking it from the earth or waters in this State.

"(2). 'First purchaser' shall mean any person or persons purchasing crude oil from the producer.

"(3). 'Subsequent purchaser' shall mean an individual or individuals, person or persons, partnership, association or associations, broker or brokers, corporation or corporations, or any one operating reclamation plant or plants, topping plant or plants, treating plant or plants, refinery or refineries, or any kind or character of processing plant or plants, or any one who purchases oil as the same is herein defined for any purpose whatsoever, when said oil is purchased from any person or persons, individual or individuals, partnership, association or associations,

broker or brokers, corporation or corporations other than the producer as herein defined.

"(4) 'Carrier' shall mean the owner of any means of transporting oil or any instrumentality that may now be used or come into use.

"(5) 'Oil' shall mean petroleum oil, mineral oil, or other oil taken from the earth.

"(6). 'Reports' shall mean any reports required to be furnished in this Act or that may be required by the Comptroller in the Administration of this Act.

"(7). 'Person' shall mean and include any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation, and persons acting under declarations of trust as well as the trustees acting under such declarations of trust.

"(8). 'Production' or 'total oil produced' shall mean the total gross amount of oil produced including all royalty or other interest; that is, the amount for the purpose of the tax imposed by this Article shall be measured or determined by tank tables compiled to show one hundred per cent (100%) of the full capacity of tanks without deductions for overage or losses in handling. Allowance for any reasonable and bona fide deduction for basic sediment and water, and for correction of temperature to 60 degrees Fahrenheit will be allowed. If the amount of oil produced has been measured or determined by tank tables compiled to show less than one hundred per cent (100%) of the full capacity of tanks, then such amount shall be raised to a basis of one hundred per cent (100%) for the purpose of the tax imposed by this Article.

"(9). 'Royalty owners' shall mean and include all persons owning any mineral rights under or having any interest in the oil or its value produced from any producing leasehold within this State.

"(10). 'Comptroller' shall mean Comptroller of Public Accounts of the State of Texas.

"(11). 'Commission' shall mean the Railroad Commission of Texas."

"Sec. 2. (2). When it shall appear that a tax payer to whom the provisions of this Act shall apply has

erroneously paid more taxes than were due during any tax paying period either on the account of a mistake of fact or law, it shall be the duty of the State Comptroller to credit the total amount of taxes due by such tax payer for the current period with the total amount of taxes so erroneously paid.

"(3). The tax hereby levied shall be a liability upon the producer, the first purchaser, and/or subsequent purchaser or purchasers.

"(4) The tax hereby levied shall be paid by the first purchaser who shall deduct the amount of said tax from payment due producer or other interest holder; provided, however, that failure of the first purchaser to pay said tax shall not relieve the producer nor any subsequent purchaser or purchasers from paying said tax.

"Provided that if oil produced is not sold during the month in which produced said producer shall pay the tax at the same rate and in the same manner as if said oil were sold."

"Sec. 3. (1). A complete record shall be kept by producer or producers of oil within this State, said records to show the county or counties in which said producer or producers operate, the correct name or names of the lease or leases from which oil is produced, the total number of barrels of oil produced from each lease, the correct name and address of the first purchaser or purchasers, the total number of barrels of oil sold or delivered to each first purchaser and the price received therefor. And in addition shall keep a record of all oil used on the lease from which said oil is produced or which may be refined or processed in any manner by the producer upon the lease from which said oil is produced; and if said oil is not sold, the location of storage and the total number of barrels in storage, if owned by such operator, or if stored with a pipe line or a refinery, the correct name and address of such pipe line or refinery.

"Producers of oil shall file monthly on the twenty-fifth day of each month with the Comptroller under oath of the producer or his duly authorized agent a report showing the total number of barrels of oil produced by said producer during the

month preceding the date of the report, the county in which the oil is produced, the correct name of the lease from which the oil is produced, the correct name and address of the first purchaser of said oil and the price received therefor; said records and reports shall be open to the inspection of the Comptroller or the Attorney General or the duly authorized agents of the Comptroller or Attorney General.

"All first purchasers of oil shall keep in Texas records showing the correct name and address of the producer or producers from whom said first purchasers buy oil, the county in which said oil is produced, the true and correct name of the lease from which said oil is produced, the total number of barrels bought, and the price paid therefor; and in addition shall keep a record showing the total number of barrels of said oil so purchased or used, refined, or processed in any manner by said first purchaser or first purchasers and the total number of barrels of oil sold by said first purchaser or first purchasers, the price received therefor, and the true and correct name and address of the subsequent purchaser or purchasers of said oil. On the twenty-fifth day of each month each and every first purchaser of oil shall file with the Comptroller under oath of the first purchaser or his duly authorized agent a report showing the total number of barrels of oil purchased during the preceding month, the price paid therefor, the correct name and address of the producer or producers from whom said oil was purchased, the county in which the oil was produced, and the correct name of the lease from which said oil was produced; said records and reports shall be open to the inspection of the Comptroller or the Attorney General or the duly authorized agents of the Comptroller or Attorney General.

"Each and every subsequent purchaser, as that term is herein defined, shall keep in Texas a record showing the correct name and address of each first purchaser or subsequent purchaser from whom any oil is bought, the total number of barrels purchased and the price paid therefor, the date of purchase, the disposition of said oil, the total number of barrels used, refined, or

processed in any manner by said subsequent purchaser, and if sold shall show the correct name and address of the subsequent purchaser to whom said oil is sold or delivered and the date of said sale and/or delivered, and the price received therefor. Each and every subsequent purchaser shall file with the Comptroller on the twenty-fifth day of each month a report under oath of the subsequent purchaser or a duly authorized agent showing the correct name and address of the person or persons from whom said subsequent purchaser has bought oil during the preceding month, the total number of barrels purchased, the price paid therefor, and the disposition of said oil; said report to show the total number of barrels of oil used, refined, or processed in any manner by said subsequent purchaser, and the correct name and address of any subsequent purchaser to whom said oil was sold and the number of barrels sold, and the price received therefor; said records and reports shall be open to the inspection of the Comptroller or the Attorney General or the duly authorized agents of the Comptroller or Attorney General.

"Royalty owners shall keep a record of all moneys received as royalty from any producing leasehold within this State. They shall also keep a copy of all settlement sheets furnished them by the purchaser or any other statement showing the number of barrels of oil from which royalty was received; said records shall be open to the inspection of the Comptroller or the Attorney General or the duly authorized agents of the Comptroller or Attorney General.

"(2) All operators of railroads, barges, trucks, or pipe lines, carrying or transporting oil for hire, for themselves or their owners, shall keep in Texas a complete and accurate record of all oil so handled, showing date received, number of barrels, from whom received, point of delivery, to whom delivered and manners of transportation, and such records shall be open to the inspection of the duly authorized agents of the Comptroller or the Attorney General at all times, and, if requested by the Comptroller, shall furnish information and reports of

movements as often as required by the Comptroller.

"Sec. 4. First purchasers buying oil from properties in litigation or in receivership, bankruptcy, or any other legal proceedings, or covered by assignments, are required to deduct the amount of the taxes levied by this Act, before payment is made to the producers, trustees, assignees, or to any person who claims ownership of said funds, or before the proceeds of said purchase of oil is impounded or escrowed by said purchaser pending such litigation or tenure of assignments, and shall remit said tax deducted in the same manner as if said oil had been purchased from any other source, and providing that said purchaser shall not be liable to any claimant of said funds on account of payment of said tax.

"Sec. 5. (1) At the time of filing the reports herein required, the first purchasers of oil shall pay to the Comptroller by legal tender or cashier's check, payable to the State Treasurer, the tax herein required to be paid. Failure to pay said tax on or before the twenty-fifth day of the month immediately following, shall cause said tax to become delinquent and a penalty of ten per cent (10%) of the amount of said tax shall be added, such tax and penalty to bear interest at the rate of six per cent (6%) per annum from the date due until the date paid.

"Sec. 6. (1) For the occupation tax, penalties and interest herein provided for, the State shall have a prior and preferred lien on any leasehold interest, ownership of the oil rights, or interest, including oil produced and oil runs owned by the person owning any tax herein, and in addition thereto such lien shall include equipment, tools, tanks, and all other implements used on said lease from which oil is produced. Said lien shall extend to and be enforceable against any property, either real or personal, or both, owned by any person or persons made liable for the tax herein levied, which property is not exempt from forced sale by reason of existing laws or the Constitution of this State.

"(2) The tax herein levied shall be borne ratably by all interested parties including royalty interests; and producers and/or purchasers of

oil are hereby authorized and required to withhold from any payments due interested parties the proportionate tax due.

"(3) The taxes herein provided for when paid shall be and hereby are allocated as follows, to-wit:

"One-half of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the Public School Fund, and one-half of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the General Fund of the State."

"Sec. 8. Whoever as producer, first purchaser, subsequent purchaser, or carrier, or whoever shall as a principal or as agent or representative of such principal, knowingly make any false entries or fail to make any proper entries in the books required by this Act with intent to defraud the State; or whoever as such, shall knowingly make a false or incomplete report as required by this Act; or whoever, refuse to make the report required as such, shall knowingly fail or refuse to make the report required to be made; or whoever, as such, shall destroy, mutilate, or secrete any of the records required to be kept by the provisions of this Act; or whoever shall, as such, hide or secrete with intent to defraud, any of the property upon which a lien is created hereunder, or whoever fails or refuses to permit the Comptroller or the Attorney General or the duly authorized representatives of either to inspect the records and reports herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than twenty-five dollars (\$25), nor more than five thousand dollars (\$5000), or confined in the county jail for not less than one month, nor more than six (6) months, or by both fine and imprisonment.

"Sec. 9. It shall be the duty of the Comptroller to promulgate rules and regulations governing the detail administration of the terms and requirements of this Act not specifically mentioned herein; to employ auditors and supervisors for the purpose of verifying reports and investigating the affairs of producers

and/or purchasers to determine whether the tax is being properly reported and paid; to provide the necessary office help and equipment for the proper execution of the provisions of this Act, and for the purpose of defraying the necessary expenses of said administration, including salaries of supervisors, auditors, office help, filing equipment, typewriters and supplies, printing of forms, publication of regulations, postage, telephone and telegraph, traveling expenses of employes, and traveling expenses of witnesses not otherwise paid, there is hereby appropriated for the period of time ending August 31, 1935, one per cent (1%) of the tax hereby levied and collected. There is hereby especially provided for one director of the gross production tax division whose salary shall not exceed three thousand dollars (\$3000) per year; one assistant director of the gross production tax division whose salary shall not exceed two thousand seven hundred fifty dollars (\$2750) per year; and such other auditors and supervisors as may be needed to enforce the provisions of this Act.

Sec. 2. The fact that the existing gross production tax statutes are inadequate to enforce the collection of gross production taxes, the payment of which is now being evaded in many instances, and the further fact that there is an insufficient number of employes in the Comptroller's Department with which to enforce the provisions of the existing law, create an emergency and an imperative public necessity that the constitutional rule that all bills be read on three several days in each house be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
September 24, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present: